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Re:	App# 10/597,816	**CC:**	[Click here and type name]

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Hi Glenn,

Please find attached my response to the Office Action data Sept. 4, 2008. I look forward to discussing this with you tomorrow morning.

Best regards.

Micahel Roes

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROES, Michael A.	Examiner:	RICHMAN, Glenn E.
Serial No.:	10/597,816	Art Unit:	3764
Filed:	08-AUG-2006	Office Action Mailing Date:	18-SEPT-2008

Title: DIGITAL WEIGHT APPARATUS HAVING BIOMETRICS BASED SECURITY FEATURE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION ·

Dear Commissioner:

In response to the Office Action dated September 4, 2008, Applicant responds as follows:

Claims Amendments begin on page 2.

Specification Amendments begin on page __

Remarks begin on page ___

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SECTION A: CLAIM AMENDMENTS

This listing of the claims will replace all prior versions and listing of the claims in this application.

1.   (Currently Amended) A weight device, comprising:

a biometric input device exposed on an exterior of a housing, the biometric input device for obtaining the unique biometric identification of a user, wherein the biometric input device reads all or a portion of a user's footprint to obtain said unique biometric identification;

an electronics component electrically connected to the biometric input device;

a communication device electrically connected to the electronics component;

a plurality of user profiles, the profiles containing unique biometric identification data for each of a plurality of users, target data and custom data; and

a means for updating the plurality of use profiles with measurement data measured by the weighing device.

2.   (Cancelled)

3.   (Currently Amended) The weight device of claim 1, further comprising a platform for obtaining measurement information from a user and to obtain [[a]] the unique biometric input from said user when said user is in a position to deliver said measurement information.

4.   (Currently Amended) The weight device of claim 1, further comprising a platform to accept said user's feet for obtaining measured information from a user and wherein said biometric input device is able to interpret a toe print obtained from the user when said user's feet are positioned on said scale platform for measuring.

5.   (Currently Amended) The weight device of claim 1 wherein said biometric input device further comprises a scanner component and wherein said scanner component is located to obtain the unique biometric input from a user of said weight device.

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6.   (Currently Amended) The weight device of claim 1 wherein said biometric input device is located on the weight device such that when a user is using said weight device both the measured information and the **unique** biometric input are obtained while the user is in a single position.

7.   (Currently Amended) The weight device of claim 6, wherein said biometric input device is located on a platform of said weight device allowing said biometric input device to obtain **the unique** biometric input from a same user position as said weight device will obtain measured information.

8.   (Currently Amended) The weight device of claim 1, wherein said biometric input device obtains **the unique** biometric input and communicates [[said]] **the unique** biometric input to the electronics component for screening against the plurality of user profiles stored on said electronics component.

9.   (Currently Amended) The weight device of claim 1, wherein the plurality of user profiles are identified and secured using **the unique** biometric input received from said biometric input device, and wherein the measurement data is presented to the user in the form of trends.

10.   (Previously Presented) The weight device of claim 1, wherein the electronics component further comprises a means for creating, a means for accessing, a means for comparing the target data with the measurement data, and a means for editing the plurality of user profiles.

11.   (Cancelled)

12.   (Original) The weight device of claim 1, wherein said communication device is a visual indicator.

13.   (Original) The weight device of claim 12, wherein said communication device is an LCD.

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14.   (Currently Amended) A method of managing a plurality of user profiles in a weight
device wherein said plurality of user profiles comprise individual user profiles identified and
secured by a **unique** biometric input of an associated individual user the method comprising:

        a.   receiving **a unique** biometric input from a current user;

        b.   comparing [[said]] **the unique** biometric input for the current user to the
unique biometric input belonging to said associated individual user of said individual user
profile of said plurality of user profiles;

        c.   determining based on said comparison of the **unique** biometric input from
the current user and **the unique** biometric input belonging to said associated individual user,
whether said current user is an existing user;

        d.   measuring measurement information of said current user;

        e.   updating said current user's individual user profile with the measurement
information;

        f.   entering target data to the current user's individual user profile based on
goals of said user; and

        g.   comparing the target data to the measured information.

15.   (Currently Amended) The method of claim 14, wherein said step of comparing **the
unique** biometric input from the current user to the **unique** biometric input belonging to said
associated individual user of said individual user profile of said plurality of user profiles results
in determining that said current user is a new user.

16.   (Currently Amended) The method of claim 15, wherein a new individual user profile is
created comprising, a **unique** biometric identifier for security and measured information for the
current user, and wherein a new individual user profile is included in said plurality of user
profiles.

17.   (Original) The method of claim 14, wherein said step of updating, further comprises
updating using a data entry module.

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18.   (Previously Presented) The method of claim 14, wherein said measurement information is communicated to said current user.

19.   (Previously Presented) The method of claim 18, further comprising: calculating said information; combining said information with custom data; and communicating a combination thereof to said current user.

20.   (Previously Presented) The method of claim 14, further comprising transferring said individual user profile to a data entry module.

21.   (Previously Presented) The method of claim 19 wherein custom data can be loaded to and from the current user's profile, and wherein the custom data comprises physical attributes, trends and target goals.

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<u>REMARKS</u>

Claim amendments are supported as follows: (1) "unique biometric identification/input" is supported at page 6, line 4 of the application as filed; (2) "reading all or a portion of a footprint" to obtain the unique biometric identification/input is supported at page 6, line 4 and page 8 lines 2-3; (3) "custom data" is supported at page 6, line 13.

Tanida does not teach a unique biometric identifier. Bioimpedence values not unique to just one individual, but rather are shared by many. Moreover, these values change over time because of physiological changes. Support for the ordinariness of bioimpedence is found in the attached journal article showing that, using a Tanida bioimpedence device, the measurement values obtained for a plurality of individuals had (a) variance for any given individual, and (b) overlap between individuals. Support can also be found in the Tanida reference, e.g., at col. 6, lines 53-64. Tanida states that the impedance of an individual can differ between day and night, resting state and active state, changes in body weight, eating, drinking and etc. These fluxuations will contribute to the variance and overlap discussed in the journal reference, and in turn show that tanida does not use a unique biometric identifier.

Because of the flaws in Tanida, such a device is not useful in a setting where a large number of users each desire/require privacy of their stored data. Settings such as a physician's office, where the number of users will be high, thus the small range of bioimpediances will overlap giving users access to other's data. (e.g., a pediatrician's office). To maintain privacy in this type of setting, Tanida would require something more than what is taught. As stated at col. 4, lines 13-23, the Tanida device is useful for a small number of users who are not so concerned with privacy as much as isolation of their data from other user's data (e.g., family of three: Dad, Mom and small child).

Tanida is not teaching a weight device with unique biometric identification for security of profile data as is claimed in the current invention. Tanida is teaching a scale that categorizes measurements for a small number of users who are not interested in the security of their information, but instead just want to keep cumulative measurements without remembering a data ID number. (See, Abstract). There is no reason to look at the Tanida patent when desiring

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to make the security weight scale of this invention because there is nothing secure about the Tanida data. (See enclosed reference discussing the small range of bioimpedance measurements, and individual-to-individual overlap thereof. See Tanida patent at col. 6, lines 53-63 discussing the variance in an individual's bioimpedance based on resting/active states, food and water consumption and etc. See Tanida at col. 6, line 28 to col. 8, line 12 and figures 6 and 4 at S21-S25. Essentially, here Tanida provides the data of the closest determination data. If this is the user's data, then the user presses "yes –update profile." If it is not, then the user presses the 11A or 11B buttons to see additional profile data). This is not the privacy provided in the current invention because the bioimpedance input is not unique. Thus, in Tanida, a user must scroll through closest profile data to find theirs. There is no reason to look at Tanida for a weight device with secured data

The current invention's privacy is driven by the unique biometric input – namely a footprint or part thereof. Osten teaches a device with a combination of biometric measurements as a means to provide security in settings where an intoxicated, dismembered or deceased person's identifier is being hijacked. But, there is nothing in Osten teaching a weight device that segregates and protects users' information using a unique identifier. There is no reason to look at Osten for such a weight device.

<u>CONCLUSION</u>

The claims of the current invention are believed to be in condition for allowance. Should any additional matters remain, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully Submitted,

Michael A. Roes

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